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Committee on the Elimination of Discrimination against Women

Thirty-second session

Summary record of the 677th meeting
Held at Headquarters, New York, on Thursday, 20 January 2005, at 10 a.m.

Chairperson: Ms. Belmihoub-Zerdani (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Turkey (CEDAW/C/TUR/4-5 and Corr.1, CEDAW/PSWG/2005/I/CRP.1/Add.8 and CRP.2/Add.7)

1. *At the invitation of the Chairperson, the delegation of Turkey took places at the Committee table.*

2. **Ms. Akşit** (Turkey) introduced her country's combined fourth and fifth periodic reports (CEDAW/C/TUR/4-5), which had been prepared with the collaboration of the relevant public institutions, experts and representatives of non-governmental organizations. By withdrawing all its substantial reservations to the Convention in 1999, Turkey had demonstrated the political will to respect its international obligations concerning the advancement of women. It was also making preparations to withdraw its declaration regarding article 9, paragraph 1, of the Convention, relating to acquisition of citizenship, and had ratified the Optional Protocol to the Convention shortly after its adoption by the General Assembly.

3. In all countries of the world, no matter how advanced they were, women lagged behind men in many areas, such as education, health and employment, and globalization had further accentuated those inequalities. In order to create an enabling environment in which women's rights could be fully realized, new policies were required at both the national and international levels. A number of major developments had taken place in Turkey, particularly in the legal field, since it had submitted its combined fourth and fifth periodic reports to the Committee in July 2003.

4. Recent amendments to the Constitution were the most significant reflection of changes in policies concerning women. Although the Constitution had previously contained a specific provision on gender equality, an amendment to its article 10 provided that the State was responsible not only for ensuring non-discrimination between men and women, but also for taking the measures necessary to guarantee de facto equal rights and opportunities for women in all areas. An amendment to article 90 of the Constitution provided that international conventions — including the Convention on the Elimination of All Forms of Discrimination against Women — prevailed over all domestic legislation.

5. Two basic laws had been significantly amended, notably in regard to their articles concerning women, and non-governmental organizations (NGOs) had played a major role in that process. Following increasing criticism from various groups, including women's NGOs, the Civil Code had been comprehensively amended in 2001, notably abolishing the concept of the husband as the head of the family, introducing a new marital property regime that envisaged the equal division of property during marriage, and establishing family courts. The entry into force of the Law on the Protection of the Family in 1998 signalled the first time that domestic violence had been defined in a Turkish legal document. The Law provided that victims and others could lodge complaints against the perpetrators of domestic violence and that courts could issue protection orders. Moreover, judges and prosecutors had received special training regarding its proper implementation.

6. The amended Penal Code, which was to enter into force in April 2005, would introduce a number of significant new concepts and regulations. The new Code notably abolished the former legal distinction between women and girls and gave priority to protecting the individual's rights and freedoms, rather than considering many of the crimes committed against women as crimes against society, as under the previous Code. Marital rape and sexual harassment in the workplace were defined as crimes for the first time, and severe life sentences were provided for perpetrators of honour crimes. Local courts had already begun to impose such sentences, indicating that the reform process had begun to raise judges' awareness of the issue. Moreover, at its fifty-ninth session, the General Assembly had adopted resolution 59/165, sponsored by Turkey, on working towards the elimination of crimes against women and girls committed in the name of honour.

7. However, the impact of traditional values and customs continued to be felt. In response, the Government, working together with Parliament, universities, the communications media and civil society organizations, was implementing a programme

aimed at changing society's attitudes. The programme had recently focused on the issues of domestic violence and violence against women and children, and was being implemented as part of a long-term action plan. In response to criticism from civil society concerning the lack of State support services, the Government had taken a number of measures, including the recent enactment of the Law on Municipalities, under which municipalities were required to provide such services. Turkey was continuing its efforts to combat trafficking in persons. The revised Penal Code provided severe penalties for perpetrators, and a shelter for women victims of trafficking had been opened in Istanbul.

8. The Organizational Law of the Directorate General for the Status and Problems of Women, Turkey's national machinery for the empowerment and advancement of women, had entered into force in November 2004. The new law would increase the effectiveness of the Directorate General, which had operated for 10 years without a formal legal foundation, and provided for the establishment of a Consultative Council for the Status of Women, in which other public institutions, NGOs and higher education bodies would participate.

9. Turkey was making significant efforts to improve indicators for women and girls with respect to education. The Compulsory Basic Education Act had increased the duration of basic education from five to eight years. Since the law's adoption in 1997, the proportion of girls enrolled in basic education had increased, largely as the result of an influx of girls from rural areas, and the number of girls enrolled in middle schools had risen by 134 per cent. Turkey had launched a number of projects, working with international organizations, NGOs and private-sector participants, with a view to achieving a 100 per cent school attendance rate by 2010. Within the context of economic assistance for the education of children from poorer families, a temporary special measure had been implemented, according to which the level of assistance provided was higher for girls than for boys. Turkey was also striving to improve the quality of informal education and broaden its content, and courses were offered with a view to improving women's literacy. Between 1995 and 2005, the number of girls in higher-education institutions had risen by 91 per cent, while the number of boys had risen by 66 per cent. Lastly, efforts were being made to eliminate gender-discriminatory components of education materials.

10. The revised Labour Code provided that no form of discrimination was permissible in the relationship between employer and employee. Provisions regarding sexual harassment in the workplace and part-time work had been included for the first time, and the duration of paid maternity leave increased. A Government circular had also been issued with a view to preventing and eliminating discrimination. Despite those measures, however, women lagged far behind men, and their participation in the labour force was decreasing as a result of women's migration from rural to urban areas, and thus from the agricultural sector to the informal sector. Her Government was developing policies aimed at increasing women's participation in the workforce, a process that would likely accelerate during Turkey's European Union accession process.

11. Women's participation in decision-making was clearly not at a satisfactory level. Although a number of women had held Government portfolios, their participation in representative bodies lagged far behind that of men. Women accounted for 4.4 per cent of parliamentary representatives, while, in the 2004 local elections, women had been elected as mayors in only 18 of a total 3,000 municipalities. However, there was a significant will among women to participate in politics, and recent surveys had shown that the public was in favour of their participation. Moreover, women played a significant role in higher education, and a number of prominent Turkish women had served in senior positions with United Nations agencies.

12. With respect to women's health, she noted that women's average life expectancy was increasing, the age at which women were marrying was rising, the overall fertility rate was falling, and the use of effective family planning methods and prenatal and post-natal services was increasing. Efforts were being made to ensure that the planning and provision of services reflected persistent regional disparities in those various indicators. Various Government projects targeting local and national media were aimed at eliminating attitudes and approaches that might exacerbate gender inequalities. Turkey had taken a number of important steps to resolve the issues that it had acknowledged when presenting its combined second and third periodic reports (CEDAW/C/TUR/2-3), in 1997. Turkey had made considerable progress in the legislative arena, but its most important future

concern was to ensure the effective implementation of its legislation.

13. **Ms. Tavares da Silva** said the Committee wanted to know if the new Penal Code dealt with the issue of honour killings in accordance with its standard international definition, namely as a crime constituting a gross violation of the right to life and, therefore, without any possible justification on the basis of customs and traditions. Referring to the property regime in the new Civil Code, she said that the recognition of the equal status of the spouses and of the woman's contribution in unpaid work was an important change but asked why it left out the millions of women already married. On the issue of Turkey's ban on headscarves, a clarification was sought as to whether the new law might not constitute another form of oppression. The Committee wanted to know the number of women excluded from schools, universities and employment on account of this prohibition.

14. **Ms. Simms**, referring to the provisions of the new Penal Code which penalized sexual relations of minors under 15 years of age, asked whether they were not in violation of both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. If they were, the Government should indicate how it planned to address that problem. On the matter of virginity testing and genital examination, the reporting State should indicate whether such testing was conditional on women's written consent for such a procedure, and whether men also had to undergo virginity testing.

15. **Ms. Schöpp-Schilling** said she wanted to focus on the issue of temporary special measures, which the Committee deemed to be the most appropriate way to accelerate the achievement of gender equality. In that regard, she welcomed Turkey's amendment of articles 10 and 90 of the Constitution since that could lead to the immediate and urgent application of such measures, for example, in education, employment and politics. However, she deplored the fact that the original amendment to article 10, which explicitly mentioned temporary special measures, had not been adopted by the Turkish Parliament. The Committee was also concerned about the continued existence of another provision in article 10, which stated that no privileges were allowed. In that regard, she asked whether that provision would not obstruct the application of temporary special measures and whether the reporting State would consider reformulating the sentence to clarify their application.

16. Additional information was requested on the Law on Municipalities, which provided that municipalities with more than 50,000 inhabitants had to open shelters for battered women, and on whether any monitoring mechanisms were in place to oversee the implementation of the Law regarding the quality and number of such shelters, taking into consideration both the expertise of the non-governmental organizations that ran them and academic research undertaken on the specific nature of violence against women. Lastly, with regard to the Directorate General for the Status and Problems of Women, the reporting State should provide figures reflecting increases in its funding. The Directorate's title was somewhat negative: one evoking women's rights and interests rather than "problems" would have been more appropriate.

17. **Ms. Tan** requested further information on the issue of honour killings and virginity testing under the new Penal Code. The reporting State had asserted in its presentation that, notwithstanding the new Penal Code's strict punishment for honour killings, the persistence of values and customs was making it impossible to eliminate this practice in the short term. The reporting State should consider categorizing honour killings as aggravated homicide to ensure that perpetrators received the maximum punishment. If that were done, the Government would not have to depend on local judges for enforcement. Since virginity testing was a discriminatory practice, she urged the reporting State to repeal or amend the law in question. Provisions should also be included to ensure strict punishment of a person ordering such a procedure without the woman's written authorization.

18. **Ms. Shin** said that, in its response to the Committee's questions, the reporting State had mentioned a draft amendment to the Law on the Protection of the Family. She wished to know if the Government was really in the process of amending the Law and whether any discussions were under way to include protection of family members in its provisions. If the law was in the process of being amended, information should be provided on whether marital violence, incest, honour killings and rape among family members were being addressed. With regard to the Law on Municipalities, the Committee wanted to know how the Government would monitor work carried out by the municipalities, since ultimately

shelters for battered women were the responsibility of the central authorities, and whether there were any plans for systematic and ongoing police training on dealing with domestic violence.

19. **Ms. Saiga** requested further information on the functions of the newly established Consultative Committee, and whether for example, non-governmental organizations and higher educational institutions participated in its proceedings. With regard to the Advisory Board offices to be established in each Ministry, the Committee wanted to know the functions of the Advisory Board. Referring to the 14 gender focal points that had been established in governmental offices, she asked how many of them had been assigned to the regions. That was important in view of the great differences between the regions in traditional customs, the status of women, and so forth. In its reply to paragraph 17 on the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.7), the reporting State had indicated that no data were collected on the basis of ethnic origin since "the relationship between the State and the citizens is in no way based on ethnic origin". During a national census, however, such information should be collected, particularly with respect to ethnic women's health, education and other areas mentioned in the Convention.

20. **Ms. Šimonović**, referring to the preparation of the combined reports, asked whether non-governmental organizations had been consulted, whether the Government's approval had been given and whether the Parliamentary Committee on Gender Equality, which was in the process of being established, had examined them. In its next report the reporting State should provide figures on the number of women in the judiciary. Lastly, she enquired whether the Turkish Constitution or any other national law contained a definition of discrimination against women that was in line with the definition set forth in article 1 of the Convention and which encompassed direct and indirect discrimination in all fields.

21. **Ms. Pimentel** commended the Turkish Government for the Law on Municipalities and its decentralization of the shelters for women. The Committee, however, wanted to know what concrete measures had been taken to address the highly unstable and widely differing financial situations prevailing in the municipalities and would like additional information on the training of personnel and the monitoring mechanisms for such shelters. In view of the fact that women's representation in the Parliament was currently 4.4 per cent, the reporting State should outline its plans to improve women's representation at all levels of political life, and indicate whether there were plans to introduce quotas as special temporary measures in accordance with article 4 of the Convention. Lastly, it should explain why the Turkish Constitution did not recognize the Kurds as a special minority, a fact that frequently posed difficulties for the Kurdish people, in particular women.

22. **Ms. Patten** asked what efforts the Government was undertaking to make women aware of all the laws enacted in their favour, in view of the common perception that all the legal reforms were part of the reporting State's strategy to join the European Union. Information was also sought on the Government's plans for reinforcing its national machinery to improve the implementation of such laws. The Committee also wanted to know if judges had been adequately trained, for example, to ensure their familiarity with the Convention and to what extent rural women had access to justice and whether a legal aid system had been established to assist women in cases of domestic violence.

23. **Ms. Cinar** (Turkey) said that, as part of the legal reform exercise, leniency provisions for custom or honour killings, which were essentially synonymous, had been abolished. Under the current Penal Code, both crimes were punishable by the most severe penalties. During the fifty-ninth session of the General Assembly, Turkey had been a sponsor of resolution 59/179 entitled "Working towards the elimination of crimes against women committed in the name of honour", further demonstrating its commitment to eradicating the practice. While implementation of the new Penal Code was formally scheduled for April 2005, in practice, the courts had already handed down severe penalties for custom killings in two cases.

24. In response to the question on acquired property, she said that, when the new law had entered into force in 2002, married women had been given one year to make a declaration before a notary public in order to benefit from its provisions. That procedure had been decided on the basis of input from a number of non-governmental organizations (NGOs). Applying the law retroactively beyond a certain time limit, however, would contradict the general principles of law. Both the

Turkish Court of Appeals and Constitutional Court had ruled in favour of the ban on head scarves, a decision that had been upheld by the European Court of Human Rights on the grounds that religious symbols contradicted the principles of secularism and democracy enshrined in the Turkish Constitution.

25. **Ms. Akşit** (Turkey) acknowledged that the ban on head scarves prevented some female students from enrolling in universities. Universities must step in and help the Government to address that problem. The provisions of the Penal Code on sexual relations between minors were designed to increase protection at a time when early pregnancies before marriage were on the rise, particularly in Europe. The provision might have to be amended at some stage; in the meantime, the manner in which the higher courts interpreted it would be crucial. The amendment to article 10 of the Constitution was groundbreaking as comparable legislation did not exist in many countries. Furthermore, under the amendment to article 90 of the Constitution, in the event of a conflict between domestic and international law, international law, including the provisions of the Convention, prevailed.

26. She said that, while article 10 of the Constitution did not explicitly mention positive discrimination, it assigned the Government specific responsibility for ensuring equality between men and women in practice.

27. **Ms. Cinar** (Turkey) said that the Government, which bore primary responsibility for providing social and childcare services, financed and closely monitored a limited number of women's shelters administered by municipalities.

28. **Mr. Kurnaz** (Turkey) said that, under new supporting legislation adopted as part of the legal reform package, municipal councils could select and recruit social-services personnel directly. If municipalities needed to recruit persons who were already employed, in order to provide social services to citizens, an arrangement could be made with the current employer to permit the person to work in two places. Funding would be made available for cooperation between municipalities and non-governmental organizations (NGOs) and volunteer groups on specific projects. The law also provided for municipal councils to hear citizens' views on issues. Once a procedure on funding municipalities was finalized under the Law on Municipalities, the Government would issue a manual on providing social services, in particular to women, children and disabled persons.

29. **Ms. Akşit** (Turkey) said that the primary responsibility for opening women's shelters rested with the Ministry of Labour and Social Security. In addition, municipalities with a population exceeding 50,000 were required to open women's shelters, without prejudice to the Ministry's initiatives. The central Government could intervene to resolve any difficulties at the municipal level.

30. **Ms. Cinar** (Turkey) said that, under a new article of the Turkish Penal Code, only a judge or prosecutor could order a virginity test to be carried out. Individuals were not deemed qualified to determine the need for such a test. Imposing it without the authorization of a judge or prosecutor was punishable by one to three years' imprisonment. As she had indicated earlier, the Turkish Penal Code did not differentiate between the penalties for honour and custom killings.

31. **Ms. Akşit** (Turkey) said that her country's efforts to suppress honour and custom killings were reflected in the abolition of leniency and the severe penalty — life imprisonment — prescribed by the Penal Code. Mentalities would not change overnight; Turkish society would have to be educated over time. Nevertheless, the Government was making steady and successful efforts to that end.

32. **Ms. Cinar** (Turkey) pointed out that virginity tests could not be performed without a woman's consent. The protection described by Ms. Akşit was guaranteed by the Penal Code.

33. **Ms. Akşit** (Turkey) said that the most recent amendments to the Law on the Protection of the Family penalized parents who requested hospitals to perform virginity tests on unwilling daughters and the doctors who examined them. Women could be forced to undergo the tests only as part of a criminal investigation, on the instructions of a judge or prosecutor. Turkish men were not required to undergo virginity tests.

34. **Ms. Cinar** (Turkey) said that the proposed amendments to the Law on the Protection of the Family had been submitted to the Office of the Prime Minister; at the same time, two articles on protection of the family, together with amendments to them, would be incorporated in the new Penal Code to enter into force

in 2005. Additionally, current legislation was being reviewed to determine penalties for domestic violence not only between spouses but also by and against other family members. Domestic violence was taken very seriously by her Government, which planned to repeat a round of surveys that it had taken on the issue and had instituted an education programme for police officers.

35. **Ms. Akşit** (Turkey) said that the combined fourth and fifth periodic reports had been prepared by academicians and representatives of women's NGOs and other public institutions. It had been drafted in final form by her Ministry, on the basis of a broad public debate and with substantial NGO input. Kurds living in Turkey were fully fledged citizens and enjoyed the same rights and benefits as Turks. In every part of Turkey, there were groups that were deprived of a decent education. Illiteracy rates were particularly high in the Black Sea area, among older women and among rural dwellers who had migrated to Istanbul. The Government's goal was to ensure 100 per cent school enrolment of both girls and boys, regardless of ethnicity, by 2005.

36. **Mr. Kurnaz** (Turkey) said that special courses on human rights had been integrated into the curricula of educational institutions, and special training programmes on the treatment of violence victims were offered by experts in the field. Additionally, Turkey was carrying out a number of violence-prevention projects with the cooperation with the Council of Europe, in particular, and international organizations.

37. In order to eliminate problems in the implementation of the Law on the Protection of the Family, the Ministry of Justice had circulated brochures encouraging victims of violence to come forward and lodge complaints with the Public Prosecutor's Office. The brochures also contained reminders that victims' identities and addresses would be kept strictly confidential if they sought refuge in shelters, that there were no preliminary requirements for obtaining protection orders from the courts, and that violators of protection orders would be prosecuted. All police officers were being advised to report all cases of domestic violence to the relevant government authorities, irrespective of whether they were assigned to deal with such crimes, and to ensure that education and training on domestic violence was provided in all precincts.

38. **Ms. Aytac** (Turkey) said that the new Law on the Protection of the Family represented a positive step in dealing with the problem of violence against women, which occurred primarily within the family. The precautionary measures instituted by the Public Prosecutor's Office were designed to protect potential victims. In addition to training programmes for police officers, the Ministry of Justice was organizing seminars for judges and public prosecutors to discuss problems in implementing the Law on the Protection of the Family and to increase the role of judges in combating domestic violence.

39. **Ms. Akşit** (Turkey) said that the Advisory Council for the Status of Women was a new body made up of representatives of the Government, NGOs and academia, which would give advice on strategies and projects relating to women's issues, thereby making them more effective. The rural units on the status of women — of which there were now 14 — were set up by the Governor's Office. The Advisory Council itself did not have a rural unit, and there was no specific provision relating to them in legislation. The combined reports had been approved informally by a parliamentary commission, but she was sure that the Parliament would establish an official commission on gender equality in the near future, as many parties were in favour of that.

40. On the issue of the number of female members of Parliament, she acknowledged that 4.4 per cent was very low. Of a total of 550 members of Parliament, only 24 were women. She wished that the number was higher, but pointed out that participation in public life was not limited to being a member of Parliament. Women could also work in town and municipal councils, mayors' offices, political parties, etc. It was therefore unfair to consider the number of female members of Parliament in isolation. Moreover, all the political parties in Turkey were determined to encourage greater participation by women. Her party's Central Executive Committee, for example, had to include a certain number of women. She believed that the situation would improve after the next elections and hoped that the Parliament would take the necessary steps in that regard. The suggestion that the various legislative amendments had been made in response to Turkey's bid for European Union membership was unfair, and the fact that they were so detailed proved that they were genuine reforms.

41. **Ms. Cinar** (Turkey) said that the Convention had, of course, been translated into Turkish and constituted the basis of their work.

42. **Ms. Morvai** said that she would appreciate further clarification of Turkey's position on ethnic minorities, in particular of the statement in its response to paragraph 17 on the list of issues and questions for consideration (CEDAW/PSWG/2005/I/CRP.2/Add.7) that collecting and compiling data on the basis of ethnic origin was considered discriminatory and that it would accept the term "minority women" as "situation of women in underdeveloped regions of Turkey". Women were discriminated against throughout the world, for many different reasons, including ethnic origin, and it was therefore important to monitor situations and observe trends. She welcomed the end of the violence against the Kurdish minority in 1999, but wished to know whether any action had been taken to punish the perpetrators, whether any counselling had been provided for victims, whether the many displaced people had returned and, if so, whether there was a Government programme to support them. Lastly, she was curious as to the exact purpose of banning headscarves in public places and educational institutions and asked whether the end justified the means, which were, in effect, banning many women from education. She wondered if she had misunderstood Turkey's comment that it had been the decision of universities alone to ban headscarves, as she was under the impression that it was statutory law in Turkey.

43. **Ms. Manalo** said that, while she welcomed Turkey's response to paragraph 28 on the list of issues and questions for consideration that under the law the media should not encourage discrimination or violence against women, she would appreciate more information on the ongoing problem of the portrayal of women in the media, in particular with regard to traditional roles. While she welcomed the fact that the Government was encouraging equality of minorities, she wished to know what else it was doing to tackle the problem of the many illiterate Kurdish women in rural areas who could not speak Turkish and were therefore highly unlikely to be able to participate in public life.

44. **Ms. Coker-Appiah** said that the failure to recognize the special status of Kurdish women affected their access to education, health care, basic information about their rights, etc., and she hoped that measures would be taken to alleviate the problem. While she welcomed the progressive legislation adopted since the previous report, full equality could not be achieved unless cultural practices and stereotypes that reinforced women's submission were also addressed. She therefore wished to know what the Government was doing to eliminate such practices and stereotypes, which impacted negatively on women's rights and on their ability to make use of new legislation.

45. **Mr. Flinterman** said that, while he agreed that article 10 of the Constitution, which now established that men and women had equal rights and that the State was responsible for safeguarding those rights, was indeed a revolutionary provision, he wished to make sure that he had correctly understood the explanation provided. It was his understanding that article 10 should be read in the light of Turkey's international obligations, including the Convention, article 4 of which — as further elaborated in general recommendation No. 25 — required States parties to adopt temporary special measures. Article 10 should therefore be interpreted not as an impediment to, but as a firm constitutional basis for, adopting such measures and, where appropriate, as imposing an obligation on Turkey to adopt them.

46. Despite Turkey's assurances to the contrary, he was concerned that the new Penal Code used the term custom killings instead of honour killings, as he had been informed that the latter was more inclusive. He wondered whether the Explanatory Memorandum to the Act made it clear that the term custom killings included honour killings. He also wished to know whether it was still possible for a person accused of an honour killing under the new Penal Code to invoke the unjust provocation clause leading to a reduction in their sentence and, if so, urged Turkey to eliminate that possibility.

47. **Ms. Gabr** said that she wished to know why there had been such a long delay in adopting the organizational law relating to the Directorate General for the Status and Problems of Women and, in the light of Turkey's response to paragraph 4 on the list of issues and questions that the Directorate General had no similar organizations at the regional or local level, wondered how therefore it addressed women's issues at those levels. She would also appreciate further information on cooperation between the Government and NGOs in that regard. The reporting State should explain which regions the phrase "underdeveloped regions of Turkey" in its response to paragraph 17

referred to, what exactly the situation of women was in such regions and how the Government was addressing discrepancies in terms of economic development, traditions, languages, etc. in the country, to ensure such women enjoyed their full rights.

48. **Ms. Gnacadja** said that the replies given concerning virginity testing had not been very convincing. According to page 8 of the combined reports, the Ministry of Justice had issued a statute banning the bodily examination of women for reasons of disciplinary punishment against their consent or in a manner which would hurt or torment them. However, the reports also stated that, in certain circumstances, a judge could still order vaginal or anal examinations without the consent of the woman, provided such an order was accompanied by written approval from the public prosecutor. She wished to know whether, in practice, conducting a virginity test without the woman's consent was punishable by law. If that was not the case, nothing had really changed. She also strongly disagreed with the comment that the new term "vaginal or anal examinations" applied to both men and women. Lastly, she would appreciate further clarification concerning the status of honour killings as an offence under Turkish law; in her view, they should not be diluted in the more general term of custom killings.

49. **Ms. Khan** said that she wished to know whether the definitions of custom killing and honour killing were interchangeable. On the subject of virginity testing, article 287 of the new Penal Code (on genital examinations) did not state that virginity testing was prohibited or that consent was required. She therefore wondered whether virginity testing and genital examinations were the same thing and had the same legal connotations. She knew from first-hand experience that many rural women in Turkey wore headscarves and therefore enquired how the Government planned to integrate those women into society to ensure that they could have access to public schools and hospitals. In particular, Turkey should clarify the relationship between the concept of secularism and article 40 of the Constitution on individual rights and freedoms. She failed to understand why headscarves were considered religious symbols when other such symbols were allowed and when, in her view, it was a question of freedom of choice.

50. **Mr. Ilkin** (Turkey) said that he wished to clarify the situation of Kurds living in Turkey. Turkey had never carried out a census on the basis of ethnic origin and no one knew therefore exactly how many Turkish citizens were of Kurdish origin. In addition, there were 30 different ethnic groups in Turkey, making it difficult to define minorities and majorities. Moreover, as far as he knew, there was no definition of a minority in international law. The south-east of Turkey was an underdeveloped region with a very harsh climate and none of the people living there — whether of Kurdish or other origin — had the same opportunities as people living in the west of the country, which enjoyed a better climate, access to the sea and a flourishing industry and economy.

51. It was also difficult to distinguish a minority group, as the population comprised a good number of Turks and Kurds. While some people living in the south-east — both Kurds and Turks — did have literacy problems, the Government had taken steps to promote the spoken language, including programmes to teach Kurdish and possibly other languages in the future. He urged the Committee to see Turkey as one nation that was flourishing, not suffering, as a result of its ethnic diversity. Lastly, the reference to the end of the violence against the Kurds in 1999 was unclear but, as far as he knew, that had been the year in which the Kurdish Workers Party (PKK) had collapsed following the capture of its leader.

52. **Ms. Akşit** (Turkey) said that she had not stated that headscarves were illegal in Turkey. On the contrary, they were a very common feature of everyday life. The illegal aspect was based on the general legal provisions on proper attire, which specifically stated that the heads of female students must be uncovered. Universities, however, were independent and therefore set their own rules, with the result that some female students had difficulty attending a university.

53. **Ms. Cinar** (Turkey) said that, while there had been some problems concerning the media's attitude towards equality, the Government was addressing the issue through, for example, programmes aimed at raising awareness of gender equality and the importance of image. In the future, such programmes — which were being developed with the participation of NGOs — would also be applied to the mass media.

54. **Ms. Akşit** (Turkey) said that she wished to clarify that, in her view, the Kurds were not a minority. The 1923 Lausanne Convention had not recognized them as such and they therefore enjoyed the same rights and privileges as all citizens. In response to the question concerning educational measures to change customs, such change would not occur overnight. A key factor was how society, the media and educational establishments regarded the issue. As the level of education increased, negative aspects of traditions would decrease, especially among the younger generation.

55. In response to the question concerning the definition of custom killings and honour killings in the new Penal Code, the term "custom killings" implied, first and foremost, honour killings, while "honour killings" were always linked to a custom. In short, they were the same concept. Though the new Penal Code had not yet entered into force, judges were already applying that interpretation, and she was sure that, as implementation of the law gained ground, more concrete terms would emerge. With regard to the question concerning article 10 of the Constitution and the interpretation of temporary special measures, article 10 clearly stated that men and women had equal rights and that the Government was responsible for safeguarding those rights. It was for the Government to decide how it would meet that responsibility and to ensure that it met its constitutional obligations.

56. The adoption of the organizational law relating to the Directorate General for the Status and Problems of Women had been delayed owing to a lack of political will on the part of the previous Government. Following the efforts of the current Government and of her Ministry, the Directorate General now had a legal basis and would be able to address society's needs more effectively. The new Penal Code had been adopted in 2004 and would enter into force in April 2005. In response to the question concerning whether virginity testing was punishable by law, she said that article 235 of the Penal Code clearly stated that anyone performing or facilitating virginity tests without a woman's consent would be sentenced to imprisonment for three months to one year. Lastly, the suggestion that women wearing headscarves did not have access to health care was completely unfounded; the headscarf issue had arisen only at some universities.

57. **Mr. Ates** (Turkey) said that the new Penal Code referred not to virginity testing, but to genital examinations, which was not gender-specific.

The meeting rose at 1.05 p.m.